

1

2

3

4

5

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8

9 VINCENT TURNER,

10 Petitioner,

11 vs.

12 HOWARD SKOLNIK, et al.,

13 Respondents.

Case No. 3:09-cv-00219-RCJ-RAM

**ORDER**

14

15 On June 6, 2016, petitioner filed a proper-person motion to withdraw his petition (ECF No. 105). On June 14, 2016, the court struck that motion because counsel represents petitioner, and 16 petitioner must make all his motions through counsel. ECF No. 107. On August 24, 2016, 17 petitioner, now through counsel, filed a motion to dismiss without prejudice (ECF No. 108). 18 Petitioner then filed a motion for withdrawal of counsel and leave to proceed in proper person (ECF 19 No. 109), a motion to strike pleading (ECF No. 110), and a motion for permission to file proper 20 person pleadings (ECF No. 111). On September 9, 2016, counsel supplemented the motion with a 21 declaration by her assistant that petitioner did indeed want the petition withdrawn. ECF No. 112. 22

23 The most charitable interpretation that the court can give to petitioner's actions is that he 24 does not understand the words that he uses. Petitioner asked in his proper-person motion to 25 "withdraw" the petition. Withdrawal of the first amended petition (ECF No. 15 and 81) does not 26 mean that some earlier petition becomes the operative petition. It means that this case is dismissed.

27 Under these circumstances, the court will deny the motion for voluntary dismissal. The court 28 also will deny petitioner's proper-person motions. The remaining grounds in the first amended

1 petition are fully briefed and awaiting decision. Further filings are not necessary, and the interests of  
2 justice would not be well served by removing counsel now.

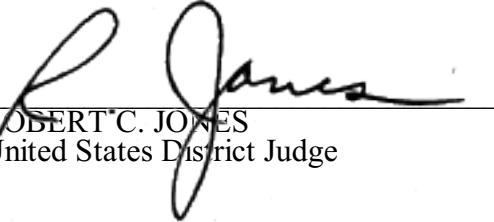
3 IT IS THEREFORE ORDERED that the motion to dismiss without prejudice (ECF No. 108)  
4 is **DENIED**.

5 IT IS FURTHER ORDERED that the motion for withdrawal of counsel and leave to proceed  
6 in proper person (ECF No. 109) is **DENIED**.

7 IT IS FURTHER ORDERED that the motion to strike pleading (ECF No. 110) is **DENIED**.

8 IT IS FURTHER ORDERED that the motion for permission to file proper person pleadings  
9 (ECF No. 111) is **DENIED**.

10 DATED: March 30, 2017.

11  
12   
13 ROBERT C. JONES  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28